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IN THE COURT OF APPEALS OF INDIANA

KEVIN D. MORRIS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A05-0712-CR-664
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Robert J. Schmoll, Jr., Magistrate
Cause No. 02D04-0405-FB-77

April 17, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Kevin D. Morris appeals the revocation of his probation, arguing that the evidence is insufficient to support the trial court's decision to revoke. Finding no error, we affirm.

FACTS

On April 28, 2005, Morris pleaded guilty to class C felony battery and was eventually sentenced to six years imprisonment with two years executed, four years suspended, and two years on probation. On August 7, 2007, the State filed a petition to revoke Morris's probation, alleging that he had taken or failed to take the following actions in violation of the conditions of probation:

1. Did not follow directions of staff.
2. Did not complete Center for Non-Violence as instructed.
3. Did not complete FOR a Change Program as instructed.
4. Did not complete GED program.
5. Did not obtain/maintain fulltime employment.
6. Had a positive urine screen on 2/9/07. Drug used: Marijuana.
7. Did not pay fees in a timely manner. As of filing date outstanding obligation was $1,626[.]73 and $20.00 for positive drug test.

Appellant's App. p. 15. Following a September 4, 2007, hearing, the trial court granted the State's petition and revoked Morris's probation, finding that the State had established that Morris had failed to maintain full-time employment by voluntarily terminating his employment, had failed to complete the For a Change Program or obtain a GED, and had been terminated from the Center for Non-Violence. Id. at 72-73. Morris now appeals.

DISCUSSION AND DECISION

As we consider Morris's argument that the trial court erred by revoking his probation, we note that the standard of review of a probation revocation is well settled:

> A probation revocation hearing is in the nature of a civil proceeding. As such, the alleged violation need be proven only by a preponderance of the evidence. Moreover, violation of a single condition of probation is sufficient to revoke probation. As with other sufficiency questions, we do not reweigh the evidence or judge the credibility of witnesses when reviewing a probation revocation. We look only to the evidence that supports the judgment and any reasonable inferences flowing therefrom. If there is substantial evidence of probative value to support the trial court's decision that the probationer committed any violation, revocation of probation is appropriate.

Pitman v. State, 749 N.E.2d 557, 559 (Ind. Ct. App. 2001) (internal citations omitted).

The record reveals, among other things, that Morris failed to complete the For a Change and Center for Non-Violence programs, which he does not dispute. He argues that he was working during two For a Change classes, though he never provided proof of that contention and neglects to address the fact that the program offers morning, afternoon, and evening classes at different times to work with its clients' schedules. Tr. p. 14. Morris attended the orientation for the Center for Non-Violence and never returned. He contends that he could not afford the fees required to participate in the Center for Non-Violence, but there is evidence in the record that the center has a way to work with people who are unable to afford the fee. Id. at 23. There is no evidence in the record that Morris attempted to work out his alleged difficulties with either program; instead, it appears that he simply stopped attending.

As for Morris's employment, he worked at Chuck Wagon for two to three weeks but quit because his employer refused to permit him to use his cell phone and he believed he was not earning enough money. Id. at 10-11. He then worked at Cosmos but eventually quit for the same reasons. Id. He worked part-time at McDonald's until he

was terminated from the program. The trial court found Morris's employment history to be troubling, concluding that Morris "was very aware of what [the prior trial judge] ordered when he suspended the sentence and he's finagling how not to do anything. That seemed to be the upshot of his testimony to me." Id. at 39.

Morris's arguments on appeal amount to an invitation to reweigh the evidence and assess witness credibility—an invitation we decline. It is evident that the trial court did not find Morris's explanation of events to be credible, and we cannot and will not second-guess that assessment. We find that there is sufficient evidence supporting the revocation of Morris's probation.

The judgment of the trial court is affirmed.

RILEY, J., and ROBB, J., concur.